

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CASE NO. 18-CR-50070-002

DESTINY MIRANDA SUDDUTH

DEFENDANT

ORDER

Before the Court for consideration is Defendant's Motion to Compel Counsel to Produce Client File (ECF No. 104) filed on July 22, 2022, and the Government's Response in Opposition (ECF No. 108) filed on August 5, 2022.

Defendant pled guilty to violations of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(viii), and was sentenced by U.S. District Judge Timothy L. Brooks with Judgment entered on April 17, 2019. (ECF No. 52). Defendant's post-conviction appeal was dismissed by the Court of Appeals for the Eighth Circuit on January 30, 2020. (ECF No. 82). Defendant's motion requesting jail credit (ECF No. 86) was denied by Judge Brooks in 2020. A subsequent Motion to Vacate under 28 U.S.C. § 2255 was denied on January 5, 2021. (ECF No. 99). Thereafter, a motion for temporary removal from the Inmate Financial Responsibility Program was denied by the undersigned on September 27, 2021. (ECF No. 103).

Defendant now seeks an order of this Court compelling her counsel to provide her with a "entire" copy of her file. The Motion must be denied as the district court lacks jurisdiction where Defendant does not have a pending case. *See United States v. Gleason*, 753 F.2d 83, 85 (8th Cir. 1985); *see also United States v. Schumacher*, 846 Fed. Appx. 428 (8th Cir. 2021)(denying motion by Defendant to compel counsel to provide his file post-conviction). Even if the Court possessed jurisdiction, myriad factors militate production of the file, as maintained by counsel, to Defendant

while incarcerated. Finally, although Defendant says she is planning to file a §2255 Motion, one has not been filed and Defendant has not established entitlement to proceed with a successive habeas corpus petition.

For all of these reasons, Defendant's Motion to Compel (ECF No. 104) is **DENIED**.

DATED this 10th day of August 2022.



CHRISTY COMSTOCK
UNITED STATES MAGISTRATE JUDGE